

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CASE NO. 18-53572-pmb
: :
KENNETH GREGORY COOK, :
: :
Debtor. : : CHAPTER 13
: :
: :

OBJECTION TO CONFIRMATION OF PLAN MODIFICATION

COMES NOW The Southland Owners Association, Inc., a secured creditor in these proceedings, and objects to confirmation of Debtor's Plan Modification on the following grounds:

1.

On March 2, 2018, Debtor filed the above-referenced case pursuant to Chapter 13 of the Bankruptcy Code.

2.

The Southland Owners Association, Inc. ("The Southland") holds a claim secured by a lien on Debtor's property at 5771 Southland Walk, Stone Mountain, Georgia. The Southland's claim for association assessments and associated charges is secured by a lien provided by Declaration of Covenants, Conditions and Restrictions for The Southland, as amended, recorded in the records of the Clerk, DeKalb County Superior Court. Also, creditor holds a statutory lien. O.C.G.A. §44-3-232.

3.

Debtor's proposed Chapter 13 Plan Modification [Document no. 56] provides for a 72 months plan. Owner is not current with post-petition assessments. Since the filing of the case, assessments have accrued at \$395.00 yearly. After applying partial payments, Debtor owes \$1,667.50 post-petition. This includes \$139.49 interest at 10%, late charges at \$19.75 for every missed payment and attorney's fees of \$161.92. Feasibility is in question.

4.

The Plan is not proposed in good faith. 11 U.S.C. §1325(a)(3). The Southland does not accept the proposed Plan Modification and the Plan does not adequately provide for The Southland lien for assessments. 11 U.S.C. §1325(a)(5).

5.

Debtor's proposed Plan does not comply with the provisions of Chapter 13 of the United States Bankruptcy Code. 11 U.S.C. §1325(a)(1) and 11 U.S.C. §1329.

WHEREFORE, The Southland prays that confirmation be denied.

This 9th day of December 2021.

Respectfully Submitted,

LAZEGA & JOHANSON LLC

s/Richard J. Joseph

Richard J. Joseph
Georgia Bar No. 405325
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Owners Association, Inc.

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CERTIFICATE OF SERVICE

I, Richard J. Joseph, certify that I am over the age of 18 and that on December 9, 2021 I served a copy of the foregoing **Objection to Confirmation of Plan Modification** by first class U.S. Mail, with adequate postage prepaid on the following persons or entities at the addresses stated:

Kenneth Gregory Cook
5771 Southland Walk
Stone Mountain, Georgia 30087

Howard P. Slomka, Esq.
Slipakoff & Slomka
6400 Powers Ferry Road, N.W., Suite 391
Atlanta, Georgia 30339

Melissa J. Davey, Esq.
 Chapter 13 Trustee
 260 Peachtree Street, N.W., Suite 200
 Atlanta, Georgia 30303

This 9th day of December 2021.

s/Richard J. Joseph
Richard J. Joseph
Georgia Bar No. 405325

LAZEGA & JOHANSON LLC
P.O. Box 250800
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